



UNIVERSAL PERIODIC REVIEW REPUBLIC OF ARMENIA

21st Working Group Session
(Report submitted in June 2014)

***“The status of human rights of women and lesbian, gay, bisexual,
transgender people in the Republic of Armenia”***

Joint submission by:

Public Information and Need of Knowledge (member of the Human Rights House Yerevan)

Society Without Violence

Women's Resource Center (member of the Human Rights House Yerevan)

Women's Support Center

With the support of the Human Rights House Foundation (HRHF)

NGO in General Consultative Status with ECOSOC

Contact information for the report:

**Public Information and Need of Knowledge (PINK) ,
Member of the Human Rights House Yerevan**

34a Abovyan st, unit 3, Yerevan 0009, Armenia

www.pinkarmenia.org

Ms. Lusine Ghazaryan

email: lawyer@pinkarmenia.org

Human Rights House Foundation (HRHF)

Rue Varembe 1, 1211 Geneva 20, Switzerland

www.humanrightshouse.org

Ms. Anna Innocenti

Email: anna.innocenti@humanrightshouse.org

Tel: +4122 33 22 556

1. INTRODUCTION AND BACKGROUND INFORMATION

This report is a joint contribution to the 21st session of the Universal Periodic Review (UPR) for the Republic of Armenia. It was prepared by an Armenian NGOs Coalition with the support of the Human Rights House Foundation (HRHF). The above organizations have a long-standing and extensive experience in human rights litigation both at the domestic and international level. The information submitted in this report is mainly based on the cases that have been taken up by the respective organizations. Therefore it is of first hand and reliable information.

The present report highlights several areas of concern regarding Armenia's compliance with its international human rights obligations, including violence against women hate speeches, discrimination based on sexual orientation and gender identity as well as threats and attacks against human rights defenders working for the promotion and protection of women's and sexual minorities rights.

In Armenia, human rights violations against women and lesbian, gay, bisexual and transgender (LGBT) people have been a matter of great concern during the last four years. The issues raised in this report reveal both external and internal challenges faced by the above-mentioned groups. These issues were selected due to their importance, urgency and widespread nature. Violations of human dignity, physical and psychological abuse, sexual harassment, domestic violence, as well as discrimination and hate speech by private and public actors, and lack of appropriate response by state institutions to effectively address these violations has created a culture of impunity in the country.

2. SUBSTANTIVE VIOLATIONS

A. VIOLENCE AGAINST WOMEN

2.1. Domestic Violence

Discrimination against women is one of the most pressing issues in Armenia. The widespread discrimination against women in the economic, political, social, and other spheres of Armenian society is accompanied by a common acceptance of domestic violence. Armenia ranking in matter of gender issues is amongst the lowest in the world¹. The numbers of cases of domestic violence reported by non-governmental organizations² shows the lack of awareness and understanding of “illegality” of domestic violence issue³. The lack of legislation, lack knowledge among law enforcement agencies, lack of monitoring mechanism as well as cultural acceptance are major problems that contributing to the existing widespread violations. Hence, to effectively address violence against women it is crucial that the government designs programs to deal with cultural acceptance. Such programs should include awareness campaigns, collect gender-sensitive data and adopts legislative measure. Further more it is highly important that police, prosecutors, judges, and counselors received adequate gender sensitive training.

Armenia is a signatory to the Convention on the Elimination of all Forms of Violence against Women (CEDAW). In addition, in 2011 the government of Armenia developed a Gender Policy Action Plan 2011-2015⁴ to improve the rights of women in the country, including the creation of a Council on Women’s Affairs. However, those policies are yet to be implemented. As an example, the government has failed to establish ad hoc programmes

¹ The “Global Gender Gap Report 2013”, Published by the World Economic Forum, ranks Armenia 94 out of 136 countries in gender equality. The report ranks the Existence of legislation punishing acts of violence against women in case of

² There were 8012 hotline calls for domestic violence during 2011-2013 Sept.; 766 recorded cases of domestic violence in 2012[3] and 586 in 2013 (an unofficial estimate done by the civil society sector accounts for approximately 2000 cases annually). The number of deaths resulting from domestic violence are on the rise with 6 women already dead in the first quarter of 2014 and a total of 17 dead during 2012-2014, Coalition to stop violence against women.

³ See ². One example is Hasmik Khachatrian’s case of domestic violence. Available at:

<http://www.epress.am/en/2014/02/25/he-put-out-his-cigarette-on-my-hand-says-domestic-violence-victim-in-court.html>

⁴ Republic of Armenia Gender Policy Strategic Action Plan for 2011-2015. Retrieved from

http://www.un.am/res/Gender%20TG%20docs/national/2011-2015_Gender%20Policy_NAP-Eng.pdf

for the protection and reintegration of survivors of violence. This has further enforced and continues to contribute to a culture of impunity.

As recommended in course of the previous Armenian UPR, a *Law on the prevention of domestic violence* was drafted by the government in cooperation with non governmental organisations in 2009 and was presented to the Armenian Government in 2010. The proposed draft legislation included preventive measures to reduce the number of criminal cases related to domestic violence through the establishment of a referral and protection mechanism throughout the country such as establishing hotlines and allocation of premises to shelter victims and other services. However, Armenian Government rejected the Law on domestic violence in January 2014.

2.2 Other Forms of Violence

2.2.1 Gender imbalance among officers and its consequence

In Armenia, most women victims of violence do not want to have any contact with law enforcement agencies due to fear and lack of trust in the system. Gender imbalance and particularly lack of female officers and investigators in the police is a major problem.

Despite a considerable presence of female officers within the police academy (approximately 20%), women are employed either as administrative (clerical) or high ranked officials, but there is a lack of female police officers to assist women's victims when filing a complain. This is a particular challenge when female survivors of sexual violence are forced to report to male officers.

Additional issues are the lack of professionalism and gender sensitiveness of male police officials. As an example, women's victims of sexual violence are often subjected to stigmatization and blamed by male officers for their dressing code or their behavior when filing a complain of sexual violence. Hence it is crucial that the government adapts policies to address the gender imbalance in the police force and ensures appropriate training for law enforcement officials. The problem of gender imbalance of police officers and investigators is more serious in rural and small areas, where often the perpetrators and the

police enforcement authorities are friends, neighbors or have mutual relatives, making impossible for the victim to achieve justice.

2.2.2 Women under arrest at the police

The absence of gender mainstreaming within the Armenian legislation also reflects in the conditions of detention of women. In 2006 a Public Observers Group of the Detention Facilities of the Police of the Republic of Armenia was established by several non-governmental organizations⁵ to monitor women detention centers. In a report submitted the group limited compliance with international standards, including lack of hot water in women's cells and absence of female officers to deal with female detainees.. Due to the lack of female personnel within the detention centers, external female police officers are hired to conduct the cells' monitoring of women in detentions, in violations of the regulation of the detentions centers. According to security regulations, male officers have to watch detainees, including women, in the toilets and bathrooms too (through special windows) and this causes great discomfort and stress to women detainees⁶.

2.2.3 Women sex workers as targets of police abuse

In Armenia, a particular group of women namely female sex workers are subjected to violence and degrading treatments by law enforcement officials. The phenomenon of violence and degrading treatment of women involved in sex work occurs frequently among police forces. According to relevant Armenian legislation, police officials have the obligation to bring person suffering from infectious and sexually transmittable diseases to medical institutions for mandatory medical tests⁷, in order to prevent to diffusion of the diseases. This procedure is usually accompanied by physical and psychological violence against the sex workers, including violence, insults and derogatory statements,⁸ The regulation contained in RA Law on Police to *"bring persons suffering from infectious diseases to medical institutions in order to prevent the spread of infectious diseases"* charges police officers with the responsibility to deal with any persons that presumably can contribute to

⁵ More information at: <http://policemonitoring.org>

⁶ <http://www.mdx.ac.uk/Assets/EHRAC%20Winter%20Bulletin%202013%20ENG%20WEB.pdf>

⁷ Article 22.3, "Law on Police" of the Republic of Armenia

⁸ See Annex 1, case 1

spread infectious diseases in society. The regulation is applied in a discriminatory and discretionary way, and it particularly affects women sex workers, which are considered as the responsible for spreading sexually transmittable diseases (STI) and other infections amongst society.

So far, no appropriate steps have been taken to tackle this issue through litigation, as the victims of maltreatment and harassments refuse to file a complain due to the fear of repercussions and revenge by the police.

B. HUMAN RIGHTS VIOLATIONS OF LGBT PEOPLE

2.3 Equality and Non-Discrimination

Discrimination based on sexual orientation and gender identity are widespread in all spheres of the Armenian society, including in the family, workplace, employment, in the service sector (i.e. educational institutions, healthcare institutions), the military and even law enforcement agencies. Discriminatory practices and biased attitude towards LGBT people have been documented mostly in healthcare institutions, police and the judiciary. According to a report medical personnel in healthcare institutions often refuse to assist LGBT patients⁹, treating them less favorably than other patients or intentionally prescribe wrong treatment to them. Moreover, law enforcements personnel and prosecution officers often refuse to file claims reported by transgender people¹⁰.

Despite the widespread discrimination and violations committed against LGBT persons, thus far, the Armenian government has failed to adopt a legislation protect and respect their human rights and particularly the right to adequate standard of living materialized through access to basic services without discrimination. Despite being party to and bound by the major human rights law convention the government has failed to adopt any specific national legal provisions to ensure that international anti-discriminatory standards are applied to LGBT people. In fact, the government doesn't even recognize the applicability of

⁹ See Annex 1, case 2

¹⁰ "Human Rights Violations of Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Armenia: A Shadow Report 2012", submitted to the United Nations Human Rights Committee by The Heartland Alliance for Human Needs & Human Rights, ILGA-Europe: The European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, The George Washington University Law School International Human Rights Clinic and Public Information and Need of Knowledge NGO. Available at: http://www.pinkarmenia.org/publication/Armenia%20LGBT_ICCPR_2012_en.pdf

these documents to LGBT persons. In late 2012 the office of Human Rights Defender of Armenia announced¹¹ its plans to draft a broad anti-discriminatory legislation prohibiting discrimination on all grounds, including based on sexual orientation and gender identity. However the initiative was soon suspended due to public pressure and other type of opposition, which remains unclear.

2.4 Freedom of opinion and expression. Prohibition of hate speech

LGBT people usually become targets of hate speech both by private and public actors and the media have the unique role and interest in publicizing information that promotes and incite violence and discrimination against LGBT people. However, the media in Armenia often times use LGBT issues as a medium to manipulate the public and cause tensions and disruption in the society. Consequently media have a key role in creating an atmosphere of intolerance against LGBT people in Armenia. Hence, it is the obligation of the state that particularly the state owned media do not engage in hates speech that would further discriminate against this vulnerable group. Nevertheless, on various occasions state officials publicly announced that they justify any illegal acts against LGBT people. One example of such incitement was made by the Vice spokesperson of the Armenian National Assembly, Mr. Eduard Sharmazanov who publicly stated that the attack carried out on 8 May 2013 on a gay-friendly bar in the capital, Yerevan, was “completely right and justified”, and those who support the rights of LGBT Armenians “are perverting our society, and defaming the Armenian national identity.”¹² Another parliamentarian, Artsvik Minasyan, stated that the young men who attacked the bar “acted in accordance with our society’s values and national ideology, and in an appropriate manner.” He further called for a fight against the “spreading of homosexuality” as a “threat to national security”.¹³

Currently, there are no legal mechanisms available in Armenia to address cases of hate speech in a comprehensive manner that would include prohibition of such speech against

¹¹ “Ombudsman: the fight against discrimination is formal. A new law should be applied”. Available at: http://www.ombuds.am/en/library/view_news/article/850

¹² Armenia’s Homophobic Deputy Speaker Needs a Lesson in Christianity, available at: <http://www.hrc.org/blog/entry/armenias-homophobic-deputy-speaker-needs-a-lesson-in-christianity>

¹³ Armenia: A Blurry Line in Yerevan Between Hate Crime and Defense of “National Interests”, available at: <http://www.eurasianet.org/node/65436>

LGBT people. The only legal provision that somehow deals with hate speech prohibits incitement of national, racial or religious hatred only¹⁴.

The homophobic stance of the state representatives is not only expressed through hate speech, but also through legislative initiatives. In August 2013 the Armenian police department drafted supplements to the Criminal Code on Administrative Infringements to ban and fine “propaganda of non-traditional sexual relations” and submitted to the parliament for approval. The approval of the addendum is still pending.

2.5 Access to justice and effective remedies: Prohibition of bias (hate) crimes

LGBT people have a restricted access to justice due to the lack of a legislation prohibiting discrimination based on sexual orientation and gender identity, particularly in justice and law enforcement institutions. Therefore, LGBT people lack a safe environment to file complaints when their rights are violated. Moreover, in many cases the perpetrators are police officers themselves, whom often times nullify the possibility to address human rights violations against LGBT people. Transgender people are regularly subjected to human rights violations by police enforcement authorities, including deprivation of liberty and arbitrary detention in police departments, accompanied by derogatory and violent treatment.¹⁵

Most of the human rights violations suffered by LGBT people, including physical and psychological violence are bias motivated, i.e. related to the sexual orientation or gender identity of a person. However, police and prosecution bodies, as well as judicial bodies have do not consider the phobia against LGBT persons as serious motive to initiate a criminal investigation against a perpetrator. As an example, the attack on a gay-friendly bar mentioned above owned was investigated following the damage inflicted on the private property under the Criminal Code, while excluding any reference to hate crimes¹⁶.

According to the Criminal Code, hate crimes do not apply to cases relating to sexual orientation and gender identity. As a result the crimes committed against LGBT people

¹⁴ Article 226, Criminal Code of the Republic of Armenia, available at: <http://www.parliament.am/legislation.php?sel=show&ID=1349&lang=eng>

¹⁵ Case study documented by PINK Armenia

¹⁶ Arson attack on Gay-Friendly Bar in Yerevan Raises Fears of Nationalist Extremism, available at: <http://araratmagazine.org/2012/05/arson-attack-on-gay-friendly-bar-in-yerevan-raises-fears-of-nationalist-extremism/>

have never been qualified as bias (hate) crimes, which also means that no effective remedies have ever been available for the victims.

3. WOMEN'S AND LGBT RIGHTS ORGANIZATIONS AND DEFENDERS AT STAKE

Human rights defenders working on the protection and promotion of LGBT rights also face violence and attacks as a consequence of their work. Defamation and hate speeches are the main obstacles faced by human rights defenders advocating for LGBT and women's rights. On June 2013 the "Law on Equal Rights and Equal Opportunities for Men and Women", was adopted on May 20, 2013 following a majority vote in the National Assembly. The law defines the concept of "gender" as "acquired and socially prescribed behavior of people of different sex, social status of relations between a man and a woman, which is expressed in all spheres of public life."

However, following the adoption of this law, extremist groups started disseminating false information to the public while associating "gender equality" with homosexuality propaganda and pedophilia. This propaganda incited violent attacks against human rights organizations, youth organizations, human rights defenders, activists, and researchers covering gender-related and LGBT issues. The extremists did not stop with only hate speech and aggression toward women's rights organizations; they also started to target individual members of the organizations and independent activists, including threats through fake virtual accounts, defamatory articles in media¹⁷.

Women's rights defenders were called "traitors of the nation", "destroyers of families" and a "threat to Armenian values" and promoters of sexual abuse towards children and minors. One member of the Human Rights House Network, the Women Resource Centre Armenia (WRCA), has been victim of such threats and receiving calls slogans including, "blow up the

¹⁷ Annex 1, case 3: Ultra-nationalists' attack on a women's rights organization

Women’s Resource Center”, and “Burn the women’s human rights defenders” for raising gender issues and challenging gender stereotypes in the society.

The Women Resource Centre Armenia has presented complaints with the evidences of such threats of terrorism against the Center to the Police, but no specific actions have been taken so far by the authorities to protect and support the women’s rights defenders.

A member of the National Assembly from the ruling party, Mr Babukhanyan, presented an official complaint against the Women’s Resource Center and its defenders to the RA Prosecutor’s General’s office to investigate the organization’s activities, accusing its members of promoting sexual deviation and homosexuality among under-aged girls. Although all these allegations were unfounded, they created black PR to the organization, increasing hate towards them in society and threatening their freedom of assembly.

LGBT rights defenders usually receive threats and acts of intimidation. In one occasion a LGBT rights defender was not allowed to speak at an international conference organized by Armenian prominent political party. It was further explained that it was “due to concern for his security”. As a consequence of the severity of the threats this particular defender received private security as a precautionary measure¹⁸.

In the case of defamation the problem of the freedom of expression arises. In one of such cases a women rights organization reached the court acknowledgement of the defamation against it, but the parliamentary deputy, who was the chief editor of the media where the defamatory article was published, was not even sanctioned by disciplinary measures, though the relevant complaint was presented to the ethics committee. Several cases of hate speeches and threats through social network towards women’s rights organization were also reported to the police. However in this case the police expressed its inability to fight against such cybercrimes. The police later explained that limited technical means made it difficult to reveal and identify the real owner of the account.

When trying to defend their rights, women and LGBT rights defenders (both individuals and organizations) do not see any governmental concern about these issues. This alarming trend demonstrate that human rights defenders and their activities are not so welcomed by

¹⁸Situation of Human Rights Defenders in Armenia January 2011 – November 2012. Available at: <http://humanrightshouse.org/>

the state and that the defenders' protection may be reached only by continuous pressure on responsible bodies to fulfill their obligations. It is hard to recall any situation when the state was an initiator of defenders' protection.

The state has furthermore failed to publicly support the role the human rights organizations play in protecting human rights and contributing to the future welfare of the society. There are no legal mechanisms available to address the violation against human rights defenders in an adequate manner. Harassment against human rights defenders is associated with the activities they carry out, i.e. protection and promotion of human rights of women and LGBT people, for which no effective remedies are available in national legislation.

To sum, it is justified to state that human rights defenders of women and LGBT issues have to combat both violence against their beneficiaries and themselves as defenders and the state policy towards defender's role importance and their rights protection is indeed very poor and non-integrated.

RECOMMENDATIONS

The Armenian Government should:

Adopt and implement a Law on Domestic Violence, showing clear political will of zero tolerance for domestic violence, in addition to establish special units in the police to investigate and prosecute cases of domestic violence. To provide special training to police officers and prosecutors dealing with cases of sexual and domestic violence against women.

Adopt a comprehensive anti-discrimination legislation, which will not be declarative, but will infer administrative and criminal responsibility for discrimination cases, as well as will ensure that discrimination on the basis of sexual orientation and gender identity are prohibited.

Adopt all necessary measures to reduce prejudice and discrimination against the LGBT community, including through the training of the police, prosecutors and judges to respond effectively to violence against LGBT activists and to ensure the adequate protection of LGBT persons.

Review and amend hate speech legislation, define the concept of hate speech, as well as groups with protected characteristics that are vulnerable to hate speech. Take appropriate measures to punish in accordance with the domestic legislation mass media and individuals, especially public officials who misrepresent the work done by women's and LGBT organizations in Armenia and promote hate and intolerance against their members.

Review and amend hate crime legislation, define the concept of hate crime, include sexual orientation and gender identity as a motive/protected characteristic for hate crimes.

Take effective measures to combat violence against women in police institutions and by police officers, overcome gender imbalance among police officers/investigators and its

negative consequences, eliminate violence and discrimination against arrested women, especially women sex workers.

To express public support for the work of human rights defenders in society and to Establish legal safeguards and mechanisms which ensure adequate protection for those human rights defenders who work on the rights of women and Lesbian, Gay, Bisexual and Transgender persons.

To public condemn acts of violence and human rights violations committed against persons because of their sexual orientation or gender identity and to ensure thorough and impartial investigation into all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity.

Raise public awareness on women and LGBT rights. Introduce gender education as a compulsory component of the curriculum at all levels of the school educational system, integration of gender component into the secondary school education curriculum and improvement of primarily the content of Social Science subject in accordance with the Republic of Armenia Gender Policy Strategic Action Plan for 2011-2015.

ANNEX 1

Case 1: Violence against woman sex worker

Documented by "Public Information and Need of Knowledge" NGO

In March 2013 two police officers approached a female sex worker in the street. The woman was verbally abused by the officers, who arbitrary arrested her and took her to the nearest police station under the pretext that it was their duty to ensure that she had undergone thorough medical examination to prevent the spread of STDs. The woman was kept in the police station for several hours, before she was taken to the medical centre for examination. After her examination she was returned to the police station where she was detained again for several hours, Eventually, she was fined and released. According to the woman, during that whole period she was insulted by the police officers. The woman decided not to initiate any proceedings, as she was afraid of future retaliation by the police officers.

Case 2: Transgender person was refused treatment in hospital

Documented by "Public Information and Need of Knowledge" NGO

In Autumn 2012 a transgender sex worker who had been snubbed in the cruising park area in Yerevan by one of his "clients" was taken to hospital by a few friends. The serving personnel of the hospital did not welcome him and the doctor did not agree to make any medical interventions. The reason was the feminine appearance of the patient: the man was dressed into woman and had some make up on his face. The refusal of the doctor resulted in bleeding of the victim for some time. The victim was accepted to the hospital only after the intervention of her relatives.

Case 3: Ultra-nationalists' attack on a women's rights organization

Documented by Society Without Violence NGO

On 15 April 2014 the NGO "Society Without Violence" organized a Round Table entitled "Gender Component Integration into Social Science subject" to officially present the Recommendation Package on Gender Component Integration into Social Science subject to be submitted to the Ministry of Education and Science. On that occasion, neo-nationalist extremist group members received information about the event and came to disturb it with posters saying "No to anti-family propaganda", "Homo-fascism will not pass" etc. The extremists started to verbally attack the organization members and to offend them. There were even some attempts to use physical force. This was later presented by mass media in a provocative and biased way. Mass media reported that the organization initiated the violent attacks while the group members were calling support themselves. Moreover, some state official representatives and MPs made the situation even worse and blamed the organization for not allowing the "troublemakers" to enter the room. Once again, this case proved that the situation in Armenia in terms of awareness level on gender issues and growing extremism is worsening; women's and LGBT rights activists are not protected and experience constant violence and attacks in Armenia.